

STATE OF MINNESOTA

EIGHTY-THIRD SESSION — 2004

SEVENTIETH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 4, 2004

The House of Representatives convened at 3:00 p.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by the Reverend Paul Tucker, All God's Children Metropolitan Community Church, Minneapolis, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

| | | | | | |
|--------------|------------|-------------|------------|------------|--------------|
| Abeler | Demmer | Hilstrom | Lenczewski | Otremba | Solberg |
| Abrams | Dempsey | Hilty | Lesch | Otto | Stang |
| Adolphson | Dill | Holberg | Lieder | Ozment | Swenson |
| Anderson, B. | Dorman | Hoppe | Lindgren | Paulsen | Sykora |
| Anderson, I. | Dorn | Hornstein | Lindner | Paymar | Thao |
| Anderson, J. | Eastlund | Howes | Lipman | Pelowski | Thissen |
| Atkins | Eken | Huntley | Magnus | Penas | Tingelstad |
| Beard | Ellison | Jacobson | Mahoney | Peterson | Urdahl |
| Bernardy | Entenza | Jaros | Mariani | Powell | Vandever |
| Biernat | Erhardt | Johnson, J. | Marquart | Pugh | Wagenius |
| Blaine | Erickson | Johnson, S. | McNamara | Rhodes | Walker |
| Borrell | Finstad | Juhnke | Mullery | Rukavina | Walz |
| Boudreau | Fuller | Kahn | Murphy | Ruth | Wardlow |
| Bradley | Gerlach | Kelliher | Nelson, C. | Samuelson | Wasiluk |
| Buesgens | Goodwin | Klinzing | Nelson, M. | Seagren | Westerberg |
| Carlson | Greiling | Knoblach | Nelson, P. | Seifert | Westrom |
| Clark | Gunther | Koenen | Newman | Sertich | Wilkin |
| Cornish | Haas | Kohls | Nornes | Sieben | Zellers |
| Cox | Hackbarth | Krinkie | Olsen, S. | Simpson | Spk. Sviggum |
| Davids | Harder | Lanning | Olson, M. | Slawik | |
| Davnie | Hausman | Larson | Opatz | Smith | |
| DeLaForest | Heidgerken | Latz | Osterman | Soderstrom | |

A quorum was present.

Brod, Kuisle, Meslow, Severson and Strachan were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Lipman moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 1815 and H. F. No. 1821, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Buesgens moved that S. F. No. 1815 be substituted for H. F. No. 1821 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Boudreau from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 436, A bill for an act relating to health; limiting use of family planning grant funds; proposing coding for new law in Minnesota Statutes, chapter 145.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Erhardt from the Committee on Transportation Policy to which was referred:

H. F. No. 804, A bill for an act relating to traffic regulations; regulating gross weights on vehicles and combinations hauling raw or unfinished farm or forest products under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 169.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2003 Supplement, section 168.013, subdivision 3, is amended to read:

Subd. 3. [APPLICATION; CANCELLATION; EXCESSIVE GROSS WEIGHT FORBIDDEN.] (a) The applicant for all licenses based on gross weight shall state the unloaded weight of the motor vehicle, trailer, or semitrailer and the maximum load the applicant proposes to carry on it, the sum of which constitutes the gross weight upon which the license tax must be paid. However, the declared gross weight upon which the tax is paid must not be less than 1-1/4 times the declared unloaded weight of the motor vehicle, trailer, or semitrailer to be registered, except recreational vehicles taxed under subdivision 1g, school buses taxed under subdivision 18, and tow trucks or towing vehicles defined in section 169.01, subdivision 52. The gross weight of a tow truck or towing vehicle is the actual weight of the tow truck or towing vehicle fully equipped, but does not include the weight of a wrecked or disabled vehicle towed or drawn by the tow truck or towing vehicle.

(b) The gross weight of a motor vehicle, trailer, or semitrailer must not exceed the gross weight upon which the license tax has been paid by more than four percent or 1,000 pounds, whichever is greater; provided that, a vehicle transporting unfinished forest products on a highway, other than a highway that is part of the system of interstate and defense highways, unless a federal exemption is granted, in accordance with paragraph (d)(3):

(1) shall not exceed its gross vehicle weight upon which the license tax has been paid, or gross axle weight on any axle, by more than five percent and, notwithstanding other law to the contrary, is not subject to any fee, fine, or other assessment or penalty for exceeding a gross vehicle or axle weight by up to five percent, except during winter weight increase periods; and

(2) between the dates set by the commissioner in accordance with section 169.826, subdivision 1, is not subject to any provision of paragraph (d) or chapter 169 limiting the gross axle weight of any individual axle unless the entire vehicle also exceeds its gross vehicle weight plus its weight allowance allowed in clause (1) and plus any weight allowance permitted under section 169.826, in which case the vehicle is subject to all applicable penalties for excess weight violations.

(c) The gross weight of the motor vehicle, trailer, or semitrailer for which the license tax is paid must be indicated by a distinctive character on the license plate or plates except as provided in subdivision 12 and the plate or plates must be kept clean and clearly visible at all times.

(d) The owner, driver, or user of a motor vehicle, trailer, or semitrailer, upon conviction for transporting a gross weight in excess of the gross weight for which it was registered or for operating a vehicle with an axle weight exceeding the maximum lawful axle load weight, is guilty of a misdemeanor and subject to increased registration or reregistration according to the following schedule:

(1) Upon conviction for transporting a gross weight in excess of the gross weight for which a motor vehicle, trailer, or semitrailer is registered by more than the allowance set forth in paragraph (b) but less than 25 percent, or for operating or using a motor vehicle, trailer, or semitrailer with an axle weight exceeding the maximum lawful axle load as provided in sections 169.822 to 169.829 by more than the allowance set forth in paragraph (b) but less than 25 percent, the owner, driver, or user of the motor vehicle, trailer, or semitrailer used to commit the violation, in addition to any penalty imposed for the misdemeanor, shall apply to the registrar to increase the authorized gross weight to be carried on the vehicle to a weight equal to or greater than the gross weight the owner, driver, or user was convicted of carrying. The increase is computed for the balance of the calendar year on the basis of 1/12 of the annual tax for each month remaining in the calendar year beginning with the first day of the month in which the violation occurred. If the additional registration tax computed upon that weight, plus the tax already paid, amounts to more than the regular tax for the maximum gross weight permitted for the vehicle under sections 169.822 to 169.829, that additional amount must nevertheless be paid into the highway fund, but the additional tax thus paid does not authorize or permit any person to operate the vehicle with a gross weight in excess of the maximum legal weight as provided by sections 169.822 to 169.829. Unless the owner within 30 days after a conviction applies to increase the authorized weight and pays the additional tax as provided in this section, the registrar shall revoke the registration on the vehicle and demand the return of the registration card and plates issued on that registration.

(2) Upon conviction of an owner, driver, or user of a motor vehicle, trailer, or semitrailer for transporting a gross weight in excess of the gross weight for which the motor vehicle, trailer, or semitrailer was registered by 25 percent or more or for operating or using the vehicle or trailer with an axle weight exceeding the maximum lawful axle load as provided in sections 169.822 to 169.829 by 25 percent or more, and in addition to any penalty imposed for the misdemeanor, the registrar shall either (i) cancel the reciprocity privileges on the vehicle involved if the vehicle is being operated under reciprocity or (ii) if the vehicle is not being operated under reciprocity, cancel the certificate of registration on the vehicle operated and demand the return of the registration certificate and registration plates. The registrar may not cancel the registration or reciprocity privileges for any vehicle found in violation of seasonal load restrictions imposed under section 169.87 unless the axle weight exceeds the year-round weight limit for the highway on which the violation occurred. The registrar may investigate any allegation of gross weight violations and demand that the operator show cause why all future operating privileges in the state should not be revoked unless the additional tax assessed is paid.

(3) Clause (1) does not apply to the first haul of unprocessed or raw farm products or unfinished forest products, when the registered gross weight is not exceeded by more than ten percent. For purposes of this clause, "first haul" means (i) the first, continuous transportation of unprocessed or raw farm products from the place of production or on-farm storage site to any other location within 50 miles of the place of production or on-farm storage site, or (ii) the continuous or noncontinuous transportation of unfinished forest products from the place of production to the place of final processing or manufacture located within 200 miles of the place of production.

(4) When the registration on a motor vehicle, trailer, or semitrailer is revoked by the registrar according to this section, the vehicle must not be operated on the highways of the state until it is registered or reregistered, as the case may be, and new plates issued, and the registration fee is the annual tax for the total gross weight of the vehicle at the time of violation. The reregistration pursuant to this subdivision of any vehicle operating under reciprocity agreements pursuant to section 168.181 or 168.187 must be at the full annual registration fee without regard to the percentage of vehicle miles traveled in this state.

Sec. 2. [169.8261] [GROSS WEIGHT LIMITATIONS; FOREST PRODUCTS.]

A vehicle or combination of vehicles hauling raw or unfinished forest products or the first haul from the place of manufacture of paper, oriented strand board, treated and untreated lumber, laminated strand lumber, wood chips, and pallets by the most direct route from the place of production to the nearest highway that has been designated under section 169.832, subdivision 11, may be operated on any highway with gross weights permitted under sections 169.822 to 169.829 without regard to load restrictions imposed on that highway, except that such vehicles must:

(1) comply with seasonal load restrictions in effect between the dates set by the commissioner under section 169.87, subdivision 2;

(2) comply with bridge load limits posted under section 169.84;

(3) be equipped and operated with six axles and brakes;

(4) not exceed 90,000 pounds gross weight, or 98,000 pounds gross weight during the time when seasonal increases are authorized under section 169.826;

(5) not be operated on interstate and defense highways;

(6) obtain an annual permit from the commissioner of transportation; and

(7) obey all road postings.

Sec. 3. Minnesota Statutes 2003 Supplement, section 169.86, subdivision 5, is amended to read:

Subd. 5. [FEE; PROCEEDS TO TRUNK HIGHWAY FUND.] The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

(a) \$15 for each single trip permit.

(b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight, and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

- (1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;
- (2) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;
- (3) motor vehicles operating with gross weights authorized under section 169.826, subdivision 1a;
- (4) special pulpwood vehicles described in section 169.863;
- (5) motor vehicles bearing snowplow blades not exceeding ten feet in width; and
- (6) noncommercial transportation of a boat by the owner or user of the boat.

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

- (1) mobile cranes;
- (2) construction equipment, machinery, and supplies;
- (3) manufactured homes;
- (4) implements of husbandry when the movement is not made according to the provisions of paragraph (i);
- (5) double-deck buses;
- (6) commercial boat hauling.

(e) For vehicles which have axle weights exceeding the weight limitations of sections 169.822 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

Overweight Axle Group Cost Factors

Cost Per Mile For Each Group Of:

| Weight (pounds) Exceeding Weight Limitations on axles | Two consecutive axles spaced within 8 feet or less | Three consecutive axles spaced within 9 feet or less | Four consecutive axles spaced within 14 feet or less |
|--|--|--|--|
| 0-2,000 | .12 | .05 | .04 |
| 2,001-4,000 | .14 | .06 | .05 |
| 4,001-6,000 | .18 | .07 | .06 |
| 6,001-8,000 | .21 | .09 | .07 |
| 8,001-10,000 | .26 | .10 | .08 |

| | | | |
|---------------|---------------|---------------|-----|
| 10,001-12,000 | .30 | .12 | .09 |
| 12,001-14,000 | Not permitted | .14 | .11 |
| 14,001-16,000 | Not permitted | .17 | .12 |
| 16,001-18,000 | Not permitted | .19 | .15 |
| 18,001-20,000 | Not permitted | Not permitted | .16 |
| 20,001-22,000 | Not permitted | Not permitted | .20 |

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed in addition to the normal permit fee. Miles must be calculated based on the distance already traveled in the state plus the distance from the point of detection to a transportation loading site or unloading site within the state or to the point of exit from the state.

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, construction equipment, machinery, and supplies. The fees for the permit are as follows:

| Gross Weight (pounds) of Vehicle | Annual Permit Fee |
|----------------------------------|-------------------|
| 90,000 or less | \$200 |
| 90,001 - 100,000 | \$300 |
| 100,001 - 110,000 | \$400 |
| 110,001 - 120,000 | \$500 |
| 120,001 - 130,000 | \$600 |
| 130,001 - 140,000 | \$700 |
| 140,001 - 145,000 | \$800 |

If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for refuse-compactor vehicles that carry a gross weight of not more than: 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.828, subdivision 2, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

(i) For vehicles exclusively transporting implements of husbandry, an annual permit fee of \$24. A vehicle operated under a permit authorized by this paragraph may be moved at the discretion of the permit holder without prior route approval by the commissioner if:

- (1) the total width of the transporting vehicle, including load, does not exceed 14 feet;
- (2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is not operated at any time after 12:00 noon on Sundays or holidays;
- (3) the vehicle is not operated when visibility is impaired by weather, fog, or other conditions that render persons and other vehicles not clearly visible at 500 feet;

(4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of the vehicle exceeds 126 inches; and

(5) the vehicle is not operated on a trunk highway with a surfaced roadway width of less than 24 feet unless such operation is authorized by the permit.

(j) \$300 for a motor vehicle described in section 169.8261.

A permit under this paragraph authorizes movements of the permitted vehicle on an interstate highway, and movements of 75 miles or more on other highways."

Delete the title and insert:

"A bill for an act relating to traffic regulations; regulating gross weights on vehicles and combinations hauling raw or unfinished forest products under certain circumstances; amending Minnesota Statutes 2003 Supplement, sections 168.013, subdivision 3; 169.86, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 169."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Transportation Finance.

The report was adopted.

Haas from the Committee on State Government Finance to which was referred:

H. F. No. 1681, A bill for an act relating to health; conforming to federal tax changes to encourage consumer-driven health plans; encouraging efficiency in providing health care; reforming medical malpractice liability; reducing and providing a moratorium on state-imposed private-sector health coverage mandates; providing a pilot project for health plans that do not cover all mandated benefits; eliminating capital expenditure reporting requirements; permitting nonprofit hospitals to garnish state tax refunds; permitting file-and-use for health insurance policy forms; permitting for-profit health maintenance organizations; transferring regulatory authority for health maintenance organizations; addressing the cost-shifting impacts of public sector health care programs; amending Minnesota Statutes 2002, sections 16A.10, by adding a subdivision; 43A.23, by adding a subdivision; 62A.02, subdivision 2; 62D.02, subdivision 4, by adding a subdivision; 62D.03, subdivision 1; 62D.04, subdivision 1; 62Q.65; 72A.20, by adding a subdivision; 147.03, subdivision 1; 256B.04, by adding a subdivision; Minnesota Statutes 2003 Supplement, sections 62J.26, by adding a subdivision; 144.7063, subdivision 3; 270A.03, subdivision 2; 290.01, subdivisions 19, 31; proposing coding for new law in Minnesota Statutes, chapters 3; 62J; 62L; 62Q; 144; 147; 151; 604; repealing Minnesota Statutes 2002, sections 62A.309; 62J.17, as amended.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Erhardt from the Committee on Transportation Policy to which was referred:

H. F. No. 1683, A bill for an act relating to traffic regulations; restricting sale and possession of traffic signal-override device; amending Minnesota Statutes 2002, section 169.06, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 9, delete "SALE AND"

Page 1, delete lines 14 to 20 and insert:

"(b) No person may operate a motor vehicle that contains a traffic signal override system, other than:

(1) an authorized emergency vehicle described in section 169.01, subdivision 5, clause (1), (2), or (3);

(2) a vehicle engaged in providing regular-route public transit;

(3) a signal maintenance vehicle of a road authority; or

(4) a vehicle authorized to contain such a device by order of the commissioner of public safety.

(c) No person may possess a traffic signal override system, other than:

(1) a person authorized to operate a vehicle described in paragraph (b), clauses (1) and (2), but only for use in such a vehicle;

(2) a person authorized by a road authority to perform signal maintenance, while engaged in such maintenance; or

(3) a person authorized by order of the commissioner of public safety to possess such a device, but only to the extent authorized in the order.

(d) A violation of this subdivision is a misdemeanor."

Amend the title as follows:

Page 1, line 2, delete "sale and"

Page 1, line 3, after the semicolon, insert "providing a penalty;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary Policy and Finance.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 1688, A bill for an act proposing an amendment to the Minnesota Constitution, by adding a section to article XIV, to dedicate motor vehicle sales tax revenue attributable to sale of new motor vehicles exclusively to public transit purposes and all other motor vehicle sales tax revenue exclusively to highway purposes.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Transportation Policy.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 1789, A bill for an act relating to education; providing for prekindergarten through grade 12 education, including general education, education excellence, special programs, libraries, and state agencies; providing for rulemaking; amending Minnesota Statutes 2002, sections 13.321, subdivision 1, by adding a subdivision; 122A.20, subdivision 2; 123B.143, subdivision 1; 123B.49, subdivision 4; 123B.53, subdivision 6; 123B.76, by adding a subdivision; 123B.82; 124D.59, as amended; 124D.61; 125A.023, subdivision 3; 125A.03; 127A.42, subdivision 6; 127A.47, subdivision 3; 134.31, by adding a subdivision; 134.45, subdivision 5; Minnesota Statutes 2003 Supplement, sections 120B.024; 120B.36; 123B.77, subdivision 4; 124D.095, subdivision 4; 124D.11, subdivision 1; 124D.454, subdivision 2; 125A.023, subdivision 4; 127A.42, subdivision 2; 275.065, subdivision 1; 475.61, subdivision 4; Laws 2003, First Special Session chapter 9, article 3, section 19; proposing coding for new law in Minnesota Statutes, chapters 120B; 127A; repealing Minnesota Statutes 2002, section 126C.23.

Reported the same back with the following amendments:

Page 13, after lines 23 and 28, insert:

"**[EFFECTIVE DATE.]** This section is effective the day following final enactment."

Page 17, after line 8, insert:

"**[EFFECTIVE DATE.]** This section is effective the day following final enactment."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 1801, A bill for an act relating to commerce; requiring more detail in reports from municipalities on building code enforcement; requiring prelicensing education of residential building contractors; making changes in continuing education; providing homebuyers with access to information about avoidance of moisture and other problems; permitting successful home warranty claimants to recover attorney fees and expenses; regulating actions for a breach of the statutory home warranty requirements; amending Minnesota Statutes 2002, sections 326.87, subdivision 1; 326.89, subdivision 2; 326.96; 327A.05; Minnesota Statutes 2003 Supplement, section 16B.685; proposing coding for new in Minnesota Statutes, chapter 326.

Reported the same back with the following amendments:

Page 8, line 22, delete everything after "inspection" and insert a period

Page 8, delete line 23 and insert "The vendor and the insurer who insured the vendor on the date the public authority issued the dwelling's certificate of occupancy must inspect the dwelling on the agreed upon date. To the extent there is coverage under the vendor's insurance policy for damage caused by a defect, the insurer must adjust the claim pursuant to paragraph (c)."

Page 9, after line 4, insert:

"(f) The statute of limitations for an action under this chapter is tolled during the time the vendee is complying with this subdivision."

Page 9, line 5, delete "(f)" and insert "(g)"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 1806, A bill for an act relating to real property; the electronic real estate recording task force created by Laws 2000, chapter 391; amending uncoded laws relating to that task force; extending the period of existence of the task force and the surcharge on filings appropriated to the task force; appropriating money; amending Laws 2000, chapter 391, section 1, subdivision 2; Laws 2001, First Special Session chapter 10, article 2, section 77; Laws 2002, chapter 365, section 9; Laws 2003, First Special Session chapter 1, article 2, section 123.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on State Government Finance.

The report was adopted.

Erhardt from the Committee on Transportation Policy to which was referred:

H. F. No. 1913, A bill for an act relating to highways; providing for county board approval of certain preliminary plats and initial plat filings; amending Minnesota Statutes 2002, section 505.03, subdivision 2; repealing Minnesota Statutes 2002, section 162.02, subdivisions 8, 8a.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 1972, A bill for an act relating to motor vehicles; providing for removal and disposal of unauthorized vehicles on private, nonresidential property used for servicing vehicles; amending Minnesota Statutes 2002, section 168B.04, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 168B.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Hackbarth from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 2213, A bill for an act relating to natural resources; modifying requirements for certain equipment used by the department; exempting certain patrol vehicles from the security barrier requirement; providing for designation of certain enforcement personnel by commissioner's order; providing for enforcement of certain rules; providing criminal penalties; amending Minnesota Statutes 2002, sections 84.025, subdivision 10; 84.03; 85.052, subdivision 1; 89.031; 89.19; 89.21; Minnesota Statutes 2003 Supplement, sections 84.029, subdivision 1; 84A.02; 84A.21; 84A.32, subdivision 1; 84A.55, subdivision 8; 85.04, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 84.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 84.025, subdivision 10, is amended to read:

Subd. 10. [RECREATIONAL VEHICLES AND BOATS USED FOR PUBLIC PURPOSES.] ~~All snowmobiles and~~ Outboard motors of 250 horsepower or less and all snowmobiles that are purchased by the commissioner of natural resources must be of the four-stroke engine model. All all-terrain vehicles purchased by the commissioner must be manufactured in the state of Minnesota.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 2. [84.0286] [CONSERVATION OFFICER PATROL VEHICLE SECURITY BARRIER; EXEMPTION.]

Marked conservation officer patrol vehicles are exempt from any law or rule requiring a security barrier in the vehicle.

Sec. 3. Minnesota Statutes 2003 Supplement, section 84.029, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT, DEVELOPMENT, MAINTENANCE AND OPERATION.] In addition to other lawful authority, the commissioner of natural resources may establish, develop, maintain, and operate recreational areas, including but not limited to trails and canoe routes, for the use and enjoyment of the public on any state-owned or leased land under the commissioner's jurisdiction. The commissioner may employ and designate individuals according to section ~~85.04~~ 84.0835 to enforce laws governing the use of recreational areas.

Sec. 4. [84.0835] [DESIGNATION OF EMPLOYEES FOR LIMITED NATURAL RESOURCES LAW ENFORCEMENT.]

Subdivision 1. [COMMISSIONER'S AUTHORITY TO DESIGNATE EMPLOYEES.] As provided in this section, the commissioner may designate by written order certain employees to enforce laws governing the use of state parks, state monuments, state recreation areas, state waysides, forest subareas, forest lands under the authority of the commissioner when incidental to normal forestry duties, and game preserves and other lands administered as wildlife management areas. The designation by the commissioner is not subject to rulemaking under chapter 14 and section 14.386 does not apply.

Subd. 2. [DESIGNATED EMPLOYEE AUTHORITIES; GENERALLY.] An employee designated under subdivision 1:

(1) has citizen arrest powers according to sections 629.37 to 629.39;

(2) may issue citations, on a form prescribed by the commissioner, in lieu of arrest for petty misdemeanor violations and misdemeanor violations, unless the violation occurs in the presence of a conservation officer or other peace officer, as defined under section 626.84, subdivision 1, paragraph (c); and

(3) may issue a report of violation to be turned over to a conservation officer or other peace officer for possible charges at the peace officer's discretion.

Subd. 3. [CITATION AUTHORITY.] Employees designated by the commissioner under subdivision 2 may issue citations, as specifically authorized under this subdivision, for violations of:

(1) sections 85.052, subdivision 3 (payment of camping fees in state parks) and 85.45, subdivision 1 (cross country ski pass);

(2) rules relating to hours and days of operation, restricted areas, noise, fireworks, environmental protection, fires and refuse, pets, picnicking, camping and dispersed camping, nonmotorized uses, construction of unauthorized permanent trails, mooring of boats, fish cleaning, swimming, storage and abandonment of personal property, structures and stands, animal trespass, state park individual and group motor vehicle permits, licensed motor vehicles, designated roads, and snowmobile operation off trails;

(3) rules relating to off-highway vehicle registration, display of registration numbers, required equipment, operation restrictions, off-trail use for hunting and trapping, and operation in lakes, rivers, and streams;

(4) rules relating to off-highway vehicle and snowmobile operation causing damage or in closed areas within the Richard J. Dorer Memorial Hardwood State Forest;

(5) rules relating to parking, snow removal, and damage on state forest roads; and

(6) rules relating to controlled hunting zones on major wildlife management units.

Sec. 5. Minnesota Statutes 2003 Supplement, section 84A.02, is amended to read:

84A.02 [DEPARTMENT TO MANAGE PRESERVE.]

(a) The Department of Natural Resources shall manage and control the Red Lake Game Preserve. The department may adopt and enforce rules for the care, preservation, protection, breeding, propagation, and disposition of all species of wildlife in the preserve. The department may adopt and enforce rules for the regulation, issuance, sale, and revocation of special licenses or special permits for hunting, fishing, camping, and other uses of this area, consistent with sections 84A.01 to 84A.11. The department may by rule set the terms, conditions, and charges for these licenses and permits.

(b) The rules may specify and control the terms under which wildlife may be taken, captured, or killed in the preserve, and under which fur-bearing animals, or animals and fish otherwise having commercial value, may be taken, captured, trapped, killed, sold, and removed from it. These rules may also provide for (1) the afforestation and reforestation of state lands in the preserve, (2) the sale of merchantable timber from these lands when, in the opinion of the department, it can be sold and removed without damage or injury to the further use and development of the land for wildlife and game in the preserve, and (3) the purposes for which the preserve is established by sections 84A.01 to 84A.11.

(c) The department may provide for the policing of the preserve as necessary for its proper development and use for the purposes specified. The commissioner of natural resources may employ and designate individuals according to section ~~85.04~~ 84.0835 to enforce laws governing the use of the preserve.

(d) The department shall also adopt and enforce rules concerning the burning of grass, timber slashings, and other flammable matter, and the clearing, development, and use of lands in the preserve as necessary to prevent forest fires and grass fires that would injure the use and development of this area for wildlife preservation and propagation and to protect its forest and wooded areas.

(e) Lands within the preserve are subject to the rules, whether owned by the state or privately, consistent with the rights of the private owners and with applicable state law. The rules may establish areas and zones within the preserve where hunting, fishing, trapping, or camping is prohibited or specially regulated, to protect and propagate particular wildlife in the preserve.

(f) Rules adopted under sections 84A.01 to 84A.11 must be posted on the boundaries of the preserve.

Sec. 6. Minnesota Statutes 2003 Supplement, section 84A.21, is amended to read:

84A.21 [DEPARTMENT TO MANAGE PROJECTS.]

(a) The department shall manage and control each project approved and accepted under section 84A.20. The department may adopt and enforce rules for the purposes in section 84A.20, subdivision 1, for the prevention of forest fires in the projects, and for the sale of merchantable timber from lands so acquired by the state when, in the opinion of the department, the timber may be sold and removed without damage to the project.

(b) These rules may relate to the care, preservation, protection, breeding, propagation, and disposition of any species of wildlife in the project and the regulation, issuance, sale, and revocation of special licenses or special permits for hunting, fishing, camping, and other uses of the areas consistent with applicable state law.

(c) The department may provide for the policing of each project as needed for the proper development, use, and protection of the project and its purposes. The commissioner of natural resources may employ and designate individuals according to section ~~85.04~~ 84.0835 to enforce laws governing the use of the projects.

(d) Lands within a project are subject to these rules, whether owned by the state or privately, consistent with the rights of the private owners or with applicable state law. The rules must be published once in one qualified newspaper in each county affected and take effect after publication. They must also be posted on the boundaries of each project affected.

Sec. 7. Minnesota Statutes 2003 Supplement, section 84A.32, subdivision 1, is amended to read:

Subdivision 1. [RULES.] (a) The department shall manage and control each project approved and accepted under section 84A.31. The department may adopt and enforce rules for the purposes in section 84A.31, subdivision 1, for the prevention of forest fires in the projects, and for the sale of merchantable timber from lands acquired by the state in the projects when, in the opinion of the department, the timber may be sold and removed without damage to the purposes of the projects. Rules must not interfere with, destroy, or damage any privately owned property without just compensation being made to the owner of the private property by purchase or in lawful condemnation proceedings. The rules may relate to the care, preservation, protection, breeding, propagation, and disposition of any species of wildlife in the projects and the regulation, issuance, sale, and revocation of special licenses or special permits for hunting, fishing, camping, or other uses of these areas consistent with applicable state law.

(b) The department may provide for the policing of each project as necessary for the proper development, use, and protection of the project, and of its purpose. The commissioner of natural resources may employ and designate individuals according to section ~~85.04~~ 84.0835 to enforce laws governing the use of the projects.

(c) Lands within the project are subject to these rules, whether owned by the state, or privately, consistent with the constitutional rights of the private owners or with applicable state law. The department may exclude from the operation of the rules any lands owned by private individuals upon which taxes are delinquent for three years or less. Rules must be published once in the official newspaper of each county affected and take effect 30 days after publication. They must also be posted on each of the four corners of each township of each project affected.

(d) In the management, operation, and control of areas taken for afforestation, reforestation, flood control projects, and wild game and fishing reserves, nothing shall be done that will in any manner obstruct or interfere with the operation of ditches or drainage systems existing within the areas, or damage or destroy existing roads or highways within these areas or projects, unless the ditches, drainage systems, roads, or highways are first taken under the right of eminent domain and compensation made to the property owners and municipalities affected and damaged. Each area or project shall contribute from the funds of the project, in proportion of the state land within the project, for the construction and maintenance of roads and highways necessary within the areas and projects to give the settlers and private owners within them access to their land. The department may construct and maintain roads and highways within the areas and projects as it considers necessary.

Sec. 8. Minnesota Statutes 2003 Supplement, section 84A.55, subdivision 8, is amended to read:

Subd. 8. [POLICING.] The commissioner may police the game preserves, areas, and projects as necessary to carry out this section. The commissioner may employ and designate individuals according to section ~~85.04~~ 84.0835 to enforce laws governing the use of the game preserves, areas, and projects.

Sec. 9. Minnesota Statutes 2003 Supplement, section 85.04, subdivision 2, is amended to read:

Subd. 2. [OTHER EMPLOYEES.] ~~Until August 1, 2004,~~ The commissioner of natural resources may designate certain employees according to section 84.0835 to enforce laws governing the use of state parks, state monuments, state recreation areas, state waysides, state forest lands when incidental to normal forestry duties, and state forest subareas. ~~The designation by the commissioner is not subject to rulemaking under chapter 14."~~

Delete the title and insert:

"A bill for an act relating to natural resources; modifying requirements for certain equipment used by the department; exempting certain patrol vehicles from the security barrier requirement; providing for designation of certain enforcement personnel by commissioner's order; amending Minnesota Statutes 2002, section 84.025, subdivision 10; Minnesota Statutes 2003 Supplement, sections 84.029, subdivision 1; 84A.02; 84A.21; 84A.32, subdivision 1; 84A.55, subdivision 8; 85.04, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 84."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy.

The report was adopted.

Hackbarth from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 2363, A bill for an act relating to natural resources; modifying provisions for the control of invasive and nonnative species; providing criminal and civil penalties; requiring rulemaking; amending Minnesota Statutes 2002, sections 17.4982, subdivision 18a; 84D.01, subdivisions 6, 9, 12, 13, 15, 17, 18, by adding subdivisions;

84D.02, subdivisions 1, 3, 4, 5, 6; 84D.03; 84D.04; 84D.05; 84D.06; 84D.07; 84D.08; 84D.09, subdivision 2; 84D.10, subdivisions 1, 3; 84D.11, subdivisions 1, 2, 2a; 84D.12; 84D.13, subdivisions 3, 4, 5; 86B.415, subdivision 7; 97C.821; Minnesota Statutes 2003 Supplement, sections 18.78, subdivision 2; 84.027, subdivision 13; 84D.14; repealing Minnesota Statutes 2002, section 84D.01, subdivisions 5, 7; Minnesota Rules, part 6216.0400, subparts 2, 3.

Reported the same back with the following amendments:

Page 9, delete lines 17 to 28

Page 9, line 29, delete "5" and insert "4"

Page 16, lines 2, 15, 16, and 17, after "species" insert "of aquatic plants and wild animals"

Page 16, line 25, after "who" insert "intentionally"

Page 18, line 24, delete "nonnative" and insert "invasive"

Page 19, line 29, delete "subparts 2"

Page 19, delete line 30 and insert "subpart 3, is repealed."

Amend the title as follows:

Page 1, line 16, delete "subparts 2," and insert "subpart"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy.

The report was adopted.

Dauids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 2384, A bill for an act relating to insurance; creating a statewide health insurance pool for school district employees; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 62A.

Reported the same back with the following amendments:

Page 2, line 13, delete "State" and insert "School"

Page 2, line 17, before the period, insert ", by filing a notice of the appointment with the commissioner of commerce. Notices of subsequent appointments must be filed with the board. An entity entitled to appoint a board member may replace the board member at any time"

Page 2, line 29, delete "optional" and insert "optimal"

Page 3, after line 20, insert:

"Subd. 6. [PERIODIC EVALUATION.] (a) The board must submit a written report to the legislature, in compliance with sections 3.195 and 3.197, on or before December 15, 2008, summarizing and evaluating the performance of the pool during its first three years of operation.

(b) The board must submit a report described in paragraph (a) to the legislature on or before December 15 of each even-numbered year beginning in 2010, covering the pool's experience in the preceding two fiscal years."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring a report;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Education Policy.

The report was adopted.

Swenson from the Committee on Agriculture Policy to which was referred:

H. F. No. 2442, A bill for an act relating to farm products; regulating liens and financing statements; establishing filing requirements; setting fees; amending Minnesota Statutes 2002, sections 336A.01; 336A.02; 336A.03; 336A.04; 336A.05; 336A.06; 336A.07; 336A.08; 336A.09; 336A.10; 336A.11, subdivisions 1, 2; 336A.12; 336A.13; proposing coding for new law in Minnesota Statutes, chapter 336A; repealing Minnesota Rules, parts 8265.0100; 8265.0200; 8265.0300; 8265.0400; 8265.0500; 8265.0600.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Civil Law.

The report was adopted.

Hackbarth from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 2467, A bill for an act relating to natural resources; providing for evaluation of construction aggregate located on state trust lands; appropriating money; amending Minnesota Statutes 2002, section 16A.125, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Education Finance.

The report was adopted.

Erhardt from the Committee on Transportation Policy to which was referred:

H. F. No. 2479, A bill for an act relating to transportation; providing for cost-sharing agreements with tribal authorities; authorizing commissioner of transportation to require electronic bids for highway contracts valued at \$5,000,000 or more; providing for or changing expiration of certain transportation-related committees; authorizing

local governments to designate roads for transporting permitted weights; providing for seasonal load restrictions on gravel roads; making technical changes; amending Minnesota Statutes 2002, sections 161.32, subdivision 1b; 162.021, subdivision 5; 162.07, subdivision 5; 162.09, subdivision 2; 162.13, subdivision 3; 169.832, by adding a subdivision; 169.87, subdivision 2; 174.52, subdivision 3; Minnesota Statutes 2003 Supplement, sections 161.368; 162.02, subdivision 2; repealing Minnesota Statutes 2002, section 174.55, as amended.

Reported the same back with the following amendments:

Page 6, delete section 9

Page 6, line 17, delete "10" and insert "9"

Page 6, line 35, delete "11" and insert "10"

Page 7, line 3, delete "12" and insert "11"

Page 7, line 4, delete "10" and insert "9" and delete "11" and insert "10"

Amend the title as follows:

Page 1, line 9, delete everything after the semicolon

Page 1, line 10, delete everything before "making"

Page 1, line 15, delete "169.87, subdivision 2;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy.

The report was adopted.

Westrom from the Committee on Regulated Industries to which was referred:

H. F. No. 2490, A bill for an act relating to energy; providing funding for certain biomass-fueled community energy systems; authorizing the sale of state bonds; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Jobs and Economic Development Finance.

The report was adopted.

Boudreau from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 2537, A bill for an act relating to health; modifying the reporting system for adverse health care events; requiring certain boards to make certain reports; amending Minnesota Statutes 2002, sections 147.121, subdivision 2; 147A.15, subdivision 2; 148.264, subdivision 2; 153.25, subdivision 2; Minnesota Statutes 2003 Supplement, section 144.7065, subdivision 10; Laws 2003, chapter 99, section 7, as amended; proposing coding for new law in Minnesota Statutes, chapters 144; 147; 147A; 148; 151; 153.

Reported the same back with the following amendments:

Page 2, line 16, after "the" insert "review or" and after "investigation" insert "shall be conducted and"

Page 2, line 17, delete "conducted," and after "obtained" delete the comma

Page 2, line 19, after "or" insert "under"

Page 2, delete lines 23 to 36

Page 3, delete lines 1 and 2 and insert:

"(e) Data contained in the following records are nonpublic and, to the extent they contain data on individuals, confidential data on individuals, as defined in section 13.02:

(1) reports provided to the commissioner under sections 147.155, 147A.155, 148.267, 151.301, and 153.255;

(2) event reports, findings of root cause analyses, and corrective action plans filed by a facility under this section; and

(3) records created or obtained by the commissioner in reviewing or investigating the reports, findings, and plans described in clause (2).

For purposes of the nonpublic data classification contained in this paragraph, the reporting facility shall be deemed the subject of the data."

Page 3, line 4, after "(a)" insert "Effective upon full implementation of the adverse health care events reporting system,"

Page 3, line 6, delete "each January 1 and July 1" and insert "on the schedule established in those sections"

Page 4, line 19, delete "Every six months" and insert "Within 30 days of making a determination under paragraph (a) that an event qualifies as an adverse health care event"

Page 4, line 20, delete "these events" and insert "the event"

Page 5, line 14, delete "Every six months" and insert "Within 30 days of making a determination under paragraph (a) that an event qualifies as an adverse health care event"

Page 5, line 15, delete "these events" and insert "the event"

Page 6, lines 6 and 17, delete "Every six months" and insert "Within 30 days of making a determination under paragraph (a) that an event qualifies as an adverse health care event"

Page 6, lines 7 and 18, delete "these events" and insert "the event"

Page 7, line 15, delete "Every six months" and insert "Within 30 days of making a determination under paragraph (a) that an event qualifies as an adverse health care event"

Page 7, line 16, delete "these events" and insert "the event"

Page 8, line 16, delete "private" and insert "confidential"

Page 8, line 20, delete "The"

Page 8, delete lines 21 to 36

Page 9, delete lines 1 to 6

Page 9, line 20, strike "Effective July 1, 2004,"

Page 9, line 24, strike "by April 1, 2004," and insert "at least four months prior to full implementation"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Law.

The report was adopted.

Swenson from the Committee on Agriculture Policy to which was referred:

H. F. No. 2658, A bill for an act relating to agriculture; limiting nuisance claims against certain agricultural operations; amending Minnesota Statutes 2002, section 561.19, subdivision 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Civil Law.

The report was adopted.

Haas from the Committee on State Government Finance to which was referred:

S. F. No. 58, A bill for an act relating to crimes; reducing from 0.10 to 0.08 the per se alcohol concentration level for impairment offenses involving driving a motor vehicle, criminal vehicular homicide and injury, operating recreational vehicles or watercraft, hunting, or operating military vehicles while impaired; requiring a report; appropriating money; amending Minnesota Statutes 2002, sections 97B.065, subdivision 1; 97B.066, subdivision 1; 169A.20, subdivision 1; 169A.51, subdivision 1; 169A.52, subdivisions 2, 4, 7; 169A.54, subdivision 7; 169A.76; 192A.555; 609.21; Minnesota Statutes 2003 Supplement, section 169A.53, subdivision 3.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Transportation Finance without further recommendation.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 436 and 1972 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 1815 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Demmer, Sykora, Zellers and Heidgerken introduced:

H. F. No. 2746, A bill for an act relating to education; modifying student enrollment in the postsecondary enrollment options program; modifying the counseling requirements of the postsecondary enrollment options program; amending Minnesota Statutes 2002, section 124D.09, subdivisions 5, 6.

The bill was read for the first time and referred to the Committee on Education Policy.

Clark, Wagenius and Ellison introduced:

H. F. No. 2747, A bill for an act relating to the environment; modifying provisions relating to lead abatement; imposing a fee on paint; appropriating money; amending Minnesota Statutes 2002, section 144.9507, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance.

Clark, Wagenius and Ellison introduced:

H. F. No. 2748, A bill for an act relating to the environment; modifying provisions relating to lead abatement; imposing a fee on paint; amending Minnesota Statutes 2002, sections 115C.08, subdivisions 1, 3; 144.9507, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 115C.08, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance.

Westerberg; Davids; Gerlach; Pugh; Magnus; Lindner; Seifert; Krinkie; Sviggum; Tingelstad; Anderson, B.; Olson, M.; Dempsey and Osterman introduced:

H. F. No. 2749, A bill for an act relating to commerce; regulating foreclosure consultants and equity purchasers; regulating contract provisions and notice requirements; providing criminal penalties and civil remedies; amending Minnesota Statutes 2002, section 580.03; proposing coding for new law in Minnesota Statutes, chapter 580; proposing coding for new law as Minnesota Statutes, chapter 325N.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Davids, Brod and Pugh introduced:

H. F. No. 2750, A bill for an act relating to agriculture; changing provisions of the biodiesel content mandate; appropriating money; amending Minnesota Statutes 2002, sections 239.77, subdivision 1, by adding a subdivision; 239.771.

The bill was read for the first time and referred to the Committee on Agriculture Policy.

Slawik; Greiling; Hornstein; Paymar; Latz; Kahn; Entenza; Kelliher; Hausman; Davnie; Atkins; Thao; Sieben; Rhodes; Erhardt; Mariani; Lesch; Wagenius; Huntley; Wasiluk; Thissen; Walker; Clark; Johnson, S., and Otto introduced:

H. F. No. 2751, A bill for an act relating to health; requiring information provided through the Woman's Right to Know Act to be medically and factually accurate; amending Minnesota Statutes 2003 Supplement, sections 145.4241, by adding a subdivision; 145.4242; 145.4243.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Lesch, Latz and Ellison introduced:

H. F. No. 2752, A bill for an act relating to postconviction remedies; enacting a model postconviction DNA analysis act; providing procedures for persons convicted of crimes to establish innocence by petitioning the court for DNA analysis; proposing coding for new law in Minnesota Statutes, chapter 590; repealing Minnesota Statutes 2002, section 590.01, subdivision 1a.

The bill was read for the first time and referred to the Committee on Judiciary Policy and Finance.

Tingelstad, Osterman, Otremba, Abeler, Mariani, Walker, Wagenius, Rhodes, Erhardt, Gunther, Sykora and Thao introduced:

H. F. No. 2753, A bill for an act relating to adoption records; providing access to certain records by certain persons; providing for certain services; changing classification of certain data; amending Minnesota Statutes 2002, sections 144.218, subdivisions 1, 2; 259.83, subdivisions 1, 3, by adding a subdivision; 259.89.

The bill was read for the first time and referred to the Committee on Civil Law.

Greiling introduced:

H. F. No. 2754, A bill for an act relating to human services; providing for discharge plans for offenders with serious and persistent mental illness who are released from county jails or county regional jails; appropriating money; amending Minnesota Statutes 2002, section 244.054; proposing coding for new law in Minnesota Statutes, chapter 641.

The bill was read for the first time and referred to the Committee on Judiciary Policy and Finance.

Harder introduced:

H. F. No. 2755, A bill for an act relating to agriculture; changing the amount of certain grain buyers' bonds; amending Minnesota Statutes 2003 Supplement, section 223.17, subdivision 4.

The bill was read for the first time and referred to the Committee on Agriculture and Rural Development Finance.

Pelowski, Blaine and Heidgerken introduced:

H. F. No. 2756, A bill for an act relating to health; enhancing markets for dairy and other nutritional products; regulating the availability and sale of certain beverages in public schools; prohibiting certain provisions in contracts between beverage vendors and schools or school districts; amending Minnesota Statutes 2002, section 123B.02, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Agriculture Policy.

Greiling introduced:

H. F. No. 2757, A bill for an act relating to education; providing funding for optional all-day kindergarten; amending Minnesota Statutes 2002, section 126C.05, subdivision 1; repealing Minnesota Statutes 2002, sections 124D.081, as amended; 126C.126.

The bill was read for the first time and referred to the Committee on Education Finance.

Clark introduced:

H. F. No. 2758, A bill for an act relating to human services; requiring the commissioner of human services to implement the pharmaceutical care demonstration project upon federal approval; appropriating money; amending Laws 2003, First Special Session chapter 14, article 12, section 99.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

Borrell and Holberg introduced:

H. F. No. 2759, A bill for an act relating to government data practices; amending representation data; amending Minnesota Statutes 2002, section 13.79, subdivision 2.

The bill was read for the first time and referred to the Committee on Civil Law.

Knoblach, Lipman, Samuelson, Newman and Strachan introduced:

H. F. No. 2760, A bill for an act relating to gambling; stating certain findings and legislative intent; directing the attorney general to bring a legal action under certain circumstances; eliminating the basis in state law for tribal-state compacts governing video games of chance; providing requirement for certain new tribal-state compacts; directing

the governor to seek renegotiation of compacts; amending Minnesota Statutes 2002, sections 3.9221, subdivision 4; 299L.07, subdivisions 2, 2a; repealing Minnesota Statutes 2002, section 349.61, subdivision 2; Laws 1989, chapter 149, section 6; Laws 1989, chapter 334, article 6, section 14.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Wagenius and Westrom introduced:

H. F. No. 2761, A bill for an act relating to energy; providing competitive bid exemption for wind energy; amending Minnesota Statutes 2002, section 216B.2422, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Wilkin introduced:

H. F. No. 2762, A bill for an act relating to Minnesota Comprehensive Health Association; increasing the minimum premium rate; authorizing a reduced premium rate for participation in a disease management program; phasing out Medicare-extended basic supplement plans; requiring two rejections before eligible for a state plan; clarifying eligibility if employer-sponsored coverage is available; amending Minnesota Statutes 2002, sections 62E.02, subdivision 13; 62E.10, subdivisions 2, 10; 62E.141; Minnesota Statutes 2003 Supplement, sections 62E.08, subdivision 1; 62E.091; 62E.12; 62E.14, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

Powell introduced:

H. F. No. 2763, A bill for an act relating to civil actions; increasing the service charge and civil penalty for receiving motor fuel without paying; clarifying that civil liability for this does not bar criminal liability; amending Minnesota Statutes 2002, section 604.15, subdivision 2, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Civil Law.

Davids introduced:

H. F. No. 2764, A bill for an act relating to telecommunications; modifying cable communications laws; making technical and clarifying revisions; amending Minnesota Statutes 2002, sections 238.02, subdivision 3; 238.03; 238.08, subdivisions 3, 4; 238.081; 238.083, subdivisions 2, 4; 238.084, subdivision 1; 238.11, subdivision 2; 238.22, subdivision 13; 238.23; 238.24, subdivisions 3, 4, 6, 9, 10; 238.242, subdivisions 1, 3; 238.25, subdivisions 5, 10; 238.35, subdivisions 1, 4; 238.36, subdivision 2; 238.39; 238.40; 238.43, subdivision 1; repealing Minnesota Statutes 2002, sections 238.01; 238.02, subdivisions 2, 17, 18, 19, 25; 238.082; 238.083, subdivisions 3, 5; 238.084, subdivisions 2, 3, 5; 238.12, subdivision 1a; 238.15; 238.35, subdivisions 2, 3; 238.36, subdivision 1.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Olson, M.; Westerberg; Anderson, B.; Marquart and Erickson introduced:

H. F. No. 2765, A bill for an act relating to education; providing for character development education; amending Minnesota Statutes 2002, section 120B.23, as amended; proposing coding for new law in Minnesota Statutes, chapter 120B.

The bill was read for the first time and referred to the Committee on Education Policy.

Greiling introduced:

H. F. No. 2766, A bill for an act relating to criminal justice; adopting certain model penal code provisions relating to criminal responsibility of persons with a mental disease or defect; amending Minnesota Statutes 2002, section 611.026.

The bill was read for the first time and referred to the Committee on Judiciary Policy and Finance.

Ozment, Hackbarth, Swenson, Harder, Urdahl, Gunther and Blaine introduced:

H. F. No. 2767, A bill for an act relating to water; appropriating money for water and soil resource management.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance.

Anderson, B., and Holberg introduced:

H. F. No. 2768, A bill for an act relating to civil actions; modifying the limitation period for civil actions for personal injury based on sexual abuse against a minor; amending Minnesota Statutes 2002, section 541.073.

The bill was read for the first time and referred to the Committee on Civil Law.

Koenen introduced:

H. F. No. 2769, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for acquisition and development of the Minnesota River Trail from Wegdahl to Granite Falls.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance.

Koenen introduced:

H. F. No. 2770, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for a flood hazard mitigation grant to the city of Montevideo.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance.

Clark, Otremba and Mariani introduced:

H. F. No. 2771, A bill for an act relating to human health; requiring that all bovine stock slaughtered in Minnesota under the state meat inspection program be tested for bovine spongiform encephalopathy; amending Minnesota Statutes 2002, section 31A.04.

The bill was read for the first time and referred to the Committee on Agriculture Policy.

Knoblach; Erickson; Johnson, J.; Seagren; Sykora; Abeler; Buesgens and Demmer introduced:

H. F. No. 2772, A bill for an act relating to taxation; income; amending provisions of the Minnesota education credit and education subtraction; amending Minnesota Statutes 2002, section 290.0674, subdivision 2; Minnesota Statutes 2003 Supplement, sections 290.01, subdivision 19b; 290.0674, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Knoblach introduced:

H. F. No. 2773, A bill for an act relating to retirement; Minneapolis Teachers Retirement Fund Association; transferring the authority to invest retirement fund assets to the Minneapolis school district; requiring the investment of state aid to the retirement fund by the State Board of Investment; revising the administrative expense surcharge; requiring additional school district funding in the event of investment underperformance; revising the investment-related postretirement adjustment mechanism to account for the funding problems of the retirement fund; amending Minnesota Statutes 2002, sections 354A.021, subdivision 6; 354A.08; 354A.12, subdivisions 3a, 3d, by adding a subdivision; 354A.28, subdivisions 4, 5, 7, 8, 9; Minnesota Statutes 2003 Supplement, section 354A.12, subdivision 3b; proposing coding for new law in Minnesota Statutes, chapter 354A.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Dill introduced:

H. F. No. 2774, A bill for an act relating to game and fish; providing for lead tackle awareness and education; providing for grants.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Dill introduced:

H. F. No. 2775, A bill for an act relating to natural resources; proposing an amendment to the Minnesota Constitution, article XI; dedicating the sales tax receipts equal to a sales tax of one-fourth of one percent on taxable sales for natural resource purposes; creating a heritage enhancement fund, a parks and trails fund, and a clean water fund; establishing a Heritage Enhancement Council; amending Minnesota Statutes 2002, section 10A.01, subdivision 35; proposing coding for new law in Minnesota Statutes, chapters 85; 97A; 103F.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Kuisle, Bradley and Nelson, C., introduced:

H. F. No. 2776, A bill for an act relating to taxation; providing that special service districts may be managed by nonprofit corporations; amending Minnesota Statutes 2002, sections 428A.02, subdivision 1; 428A.03, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Brod, Gunther, Lieder, Simpson and Murphy introduced:

H. F. No. 2777, A bill for an act relating to fire insurance; prescribing certain notice requirements; amending provisions regulating township mutual combination policies; amending Minnesota Statutes 2002, sections 65A.01, subdivision 3c; 67A.191.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Bradley introduced:

H. F. No. 2778, A bill for an act relating to health care; regulating benefits, practice guidelines, and health care provider actions; amending Minnesota Statutes 2003 Supplement, sections 62J.26, by adding a subdivision; 290.01, subdivision 19; proposing coding for new law in Minnesota Statutes, chapters 62L; 147; 604.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Borrell and Holberg introduced:

H. F. No. 2779, A bill for an act relating to data practices; changing provisions for data privacy; amending Minnesota Statutes 2002, sections 13.43, subdivision 2, by adding a subdivision; 13.46, subdivision 1; 13.461, by adding a subdivision; 119B.02, subdivision 6; Minnesota Statutes 2003 Supplement, section 13.46, subdivision 2; repealing Minnesota Statutes 2002, section 13.319, subdivision 7.

The bill was read for the first time and referred to the Committee on Civil Law.

Borrell introduced:

H. F. No. 2780, A bill for an act relating to property tax refunds; modifying the definition of property taxes payable; amending Minnesota Statutes 2002, section 290A.03, subdivision 13.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, B., introduced:

H. F. No. 2781, A bill for an act relating to education finance; expanding the use of the building lease levy; amending Minnesota Statutes 2003 Supplement, section 126C.40, subdivision 1.

The bill was read for the first time and referred to the Committee on Education Finance.

Holberg introduced:

H. F. No. 2782, A bill for an act relating to drivers' licenses; extending duration of instruction permits to two years; amending Minnesota Statutes 2002, section 171.05, subdivisions 1, 2.

The bill was read for the first time and referred to the Committee on Transportation Policy.

Davids, Mahoney and Gunther introduced:

H. F. No. 2783, A bill for an act relating to insurance; prohibiting automobile insurers from owning repair facilities; amending Minnesota Statutes 2002, section 72A.20, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Walz introduced:

H. F. No. 2784, A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Crow Wing County.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Wilkin, Huntley and Bradley introduced:

H. F. No. 2785, A bill for an act relating to insurance; providing for deemed compliance on the basis of accreditation; permitting required information to be available electronically; establishing a process for consolidation of health maintenance regulation; amending Minnesota Statutes 2002, section 72A.20, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62Q.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Demmer; Buesgens; Zellers; Klinzing; Johnson, J.; Eastlund and Krinkie introduced:

H. F. No. 2786, A bill for an act relating to education; prohibiting negotiation of teacher contracts during the school year; repealing the January 15 penalty for failing to settle teacher contracts; proposing coding for new law in Minnesota Statutes, chapter 179A; repealing Minnesota Statutes 2002, section 123B.05, subdivisions 2, 3, 4, 5; Minnesota Statutes 2003 Supplement, section 123B.05, subdivision 1.

The bill was read for the first time and referred to the Committee on Education Finance.

Lindgren and Hoppe introduced:

H. F. No. 2787, A bill for an act relating to natural resources; modifying the time that ice houses may be on the ice in certain areas; amending Minnesota Statutes 2002, section 97C.355, subdivision 7.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Hornstein, Ellison, Mariani and Lenczewski introduced:

H. F. No. 2788, A bill for an act relating to metropolitan government; providing for the election of the Metropolitan Council; amending Minnesota Statutes 2002, sections 10A.01, subdivision 10; 10A.09, subdivision 6a; 10A.25, subdivision 2; 10A.27, subdivision 1; 10A.315; 10A.323; 10A.324, subdivision 1; 15.0597, subdivision 1; 204B.06, subdivision 4; 204B.09, subdivisions 1, 1a; 204B.11, as amended; 204B.135, subdivision 2; 204B.32, subdivision 2; 204D.02, subdivision 1; 204D.08, subdivision 6; 204D.27, by adding a subdivision; 209.02, subdivision 1; 211A.01, subdivision 3; 211B.01, subdivision 3; 375.09, subdivision 1; 473.123, subdivisions 1, 4, 7, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 353D.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 10A; 204D; 473; repealing Minnesota Statutes 2002, section 473.123, subdivisions 2a, 3a; Minnesota Statutes 2003 Supplement, section 473.123, subdivision 3; Laws 1994, chapter 628, article 1, section 8; Laws 2003, chapter 8, section 2.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Hornstein, Abrams, Brod, Hoppe, Ozment, Tingelstad and Erhardt introduced:

H. F. No. 2789, A bill for an act relating to taxation; exempting certain hybrid vehicles from the motor vehicle sales tax; amending Minnesota Statutes 2002, section 297B.01, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 297B.03.

The bill was read for the first time and referred to the Committee on Taxes.

Olson, M., introduced:

H. F. No. 2790, A bill for an act relating to the environment; modifying septic system tank fees; amending Minnesota Statutes 2003 Supplement, section 115.551.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance.

Knoblach introduced:

H. F. No. 2791, A bill for an act relating to taxation; changing the local sales and use tax rate imposed in the city of Duluth; providing for its repeal; amending Laws 1980, chapter 511, section 1, subdivision 1; repealing Laws 1980, chapter 511, section 1, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Rhodes introduced:

H. F. No. 2792, A bill for an act relating to education; authorizing a task force to study the delivery and funding of special education.

The bill was read for the first time and referred to the Committee on Education Finance.

Hausman introduced:

H. F. No. 2793, A bill for an act relating to natural resources; providing funding for local governments to enforce off-highway vehicle and snowmobile law and to repair damage caused by off-highway vehicles and snowmobiles; appropriating money; amending Minnesota Statutes 2002, sections 84.794, subdivision 2; 84.83, subdivision 3; Minnesota Statutes 2003 Supplement, sections 84.780; 84.803, subdivision 2; 84.927, subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Hausman introduced:

H. F. No. 2794, A bill for an act relating to natural resources; modifying provisions for motorized trail grants-in-aid; requiring implementation of recommendations for state-funded motorized recreational trails; requiring rulemaking; amending Minnesota Statutes 2003 Supplement, section 84.930.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Carlson, Entenza and Latz introduced:

H. F. No. 2795, A bill for an act relating to higher education; providing reserve funding for the state grant program; amending Minnesota Statutes 2002, section 16A.152, subdivision 3; Minnesota Statutes 2003 Supplement, section 136A.121, subdivision 7.

The bill was read for the first time and referred to the Committee on Higher Education Finance.

Juhnke introduced:

H. F. No. 2796, A bill for an act relating to agriculture; modifying interest rates and priority for the agricultural shared savings loan program; amending Minnesota Statutes 2002, section 17.115, subdivisions 2, 3.

The bill was read for the first time and referred to the Committee on Agriculture and Rural Development Finance.

Beard introduced:

H. F. No. 2797, A bill for an act relating to transportation; requiring conveyance within three months of excess real estate no longer needed for highway purposes; appropriating money; amending Minnesota Statutes 2002, sections 161.23, subdivision 2; 161.44, subdivisions 2, 9.

The bill was read for the first time and referred to the Committee on Transportation Policy.

Holberg; Buesgens; Lipman; Sviggum; Otremba; Blaine; Anderson, B.; Wardlow; DeLaForest; Westerberg; Westrom; Wilkin; Erickson; Davids; Powell; Olson, M.; Soderstrom; Penas; Severson; Newman; Heidgerken; Krinkie; Beard; Koenen; Eastlund; Adolphson; Cornish and Knoblach introduced:

H. F. No. 2798, A bill for an act proposing an amendment to the Minnesota Constitution by adding a section to article XIII; recognizing as marriage only a union between one man and one woman.

The bill was read for the first time and referred to the Committee on Civil Law.

Gunther and Osterman introduced:

H. F. No. 2799, A bill for an act relating to employment; modifying state dislocated worker program provisions; amending Minnesota Statutes 2002, section 116L.17, subdivisions 1, 4, 5, 6; Minnesota Statutes 2003 Supplement, section 116L.17, subdivisions 2, 3; repealing Minnesota Statutes 2002, section 116L.17, subdivision 7.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance.

Holberg introduced:

H. F. No. 2800, A bill for an act relating to government data practices; providing for compliance with law by information management systems; providing for classification of, and access to, CriMNet and other criminal justice agency information systems data; amending Minnesota Statutes 2002, sections 13.02, subdivision 18, by adding subdivisions; 13.82, subdivision 24; proposing coding for new law in Minnesota Statutes, chapter 13.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Nelson, M., introduced:

H. F. No. 2801, A bill for an act relating to insurance; regulating nonrenewals and underwriting of homeowner's insurance; prohibiting various discriminatory practices in automobile and homeowner's insurance; amending Minnesota Statutes 2002, sections 65A.29, subdivisions 8, 11; 65A.30; 72A.20, subdivisions 13, 23.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Clark and Gunther introduced:

H. F. No. 2802, A bill for an act relating to real property; housing and redevelopment authority residential properties; preserving housing authority ability to lease townhome and condominium properties to eligible tenants; amending Minnesota Statutes 2002, section 469.018, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith transmitted:

H. F. No. 1794, A bill for an act relating to transportation; decreasing minimum required local contribution to federally funded airport projects; amending Minnesota Statutes 2002, section 360.305, subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1697, 1799, 2137 and 2182.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1697, A bill for an act relating to local government; increasing the threshold amount for annual audits in certain towns and statutory cities; amending Minnesota Statutes 2002, sections 412.02, subdivision 3; 412.591, subdivision 2; Minnesota Statutes 2003 Supplement, section 367.36, subdivision 1.

The bill was read for the first time.

Rukavina moved that S. F. No. 1697 and H. F. No. 1883, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1799, A bill for an act relating to local government; clarifying conflict of interest for watershed district and soil and water conservation district officers; amending Minnesota Statutes 2002, section 471.88, subdivision 1.

The bill was read for the first time.

Beard moved that S. F. No. 1799 and H. F. No. 1980, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2137, A bill for an act relating to public cemeteries; increasing the per acre ceiling amount for the perpetual care fund from \$25,000 to \$35,000; amending Minnesota Statutes 2002, section 306.41.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

S. F. No. 2182, A bill for an act relating to utilities; repealing sunset of performance-based gas utility regulation; regulating performance-based regulation plans; amending Minnesota Statutes 2002, section 216B.1675, subdivisions 1, 3, 13; Laws 1997, chapter 25, section 3.

The bill was read for the first time.

Westrom moved that S. F. No. 2182 and H. F. No. 1743, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

Paulsen moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

The Honorable Representative C. J. Chen, from the Taipei Economic and Cultural Representative Office in the United States, addressed the body.

RECONVENED

The House reconvened and was called to order by the Speaker.

CONSENT CALENDAR

H. F. No. 2105, A bill for an act relating to Iron Range Resources and Rehabilitation; providing for the name of the agency; amending Minnesota Statutes 2002, section 298.22, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-------------|-------------|------------|-----------|
| Abeler | Cox | Goodwin | Johnson, S. | Mahoney | Paulsen |
| Abrams | Dauids | Greiling | Juhnke | Mariani | Paymar |
| Adolphson | Davnie | Gunther | Kahn | Marquart | Pelowski |
| Anderson, B. | DeLaForest | Haas | Kelliher | McNamara | Penas |
| Anderson, I. | Demmer | Hackbarth | Klinzing | Mullery | Peterson |
| Anderson, J. | Dempsey | Harder | Knoblach | Murphy | Powell |
| Atkins | Dill | Hausman | Koenen | Nelson, C. | Pugh |
| Beard | Dorman | Heidgerken | Kohls | Nelson, M. | Rhodes |
| Bernardy | Dorn | Hilstrom | Krinkie | Nelson, P. | Rukavina |
| Biernat | Eastlund | Hilty | Lanning | Newman | Ruth |
| Blaine | Eken | Holberg | Larson | Nornes | Samuelson |
| Borrell | Ellison | Hoppe | Latz | Olsen, S. | Seagren |
| Boudreau | Entenza | Hornstein | Lenczewski | Olson, M. | Seifert |
| Bradley | Erhardt | Howes | Lesch | Opatz | Sertich |
| Buesgens | Erickson | Huntley | Lieder | Osterman | Sieben |
| Carlson | Finstad | Jacobson | Lindgren | Otremba | Simpson |
| Clark | Fuller | Jaros | Lindner | Otto | Slawik |
| Cornish | Gerlach | Johnson, J. | Lipman | Ozment | Smith |

| | | | | |
|------------|------------|----------|------------|--------------|
| Soderstrom | Sykora | Urdahl | Walz | Wilkin |
| Solberg | Thao | Vandever | Wasiluk | Zellers |
| Stang | Thissen | Wagenius | Westerberg | Spk. Sviggum |
| Swenson | Tingelstad | Walker | Westrom | |

The bill was passed and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Paulsen from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Thursday, March 4, 2004:

H. F. Nos. 885, 1944, 1737 and 1980.

CALENDAR FOR THE DAY

H. F. No. 885 was reported to the House.

Peterson and Seifert moved to amend H. F. No. 885 as follows:

Page 1, after line 12, insert:

"Sec. 2. Minnesota Statutes 2002, section 157.20, subdivision 1, is amended to read:

Subdivision 1. [INSPECTIONS.] (a) It shall be the duty of the commissioner to inspect, or cause to be inspected, every food and beverage service establishment, hotel, motel, lodging establishment, or resort. For the purpose of conducting inspections, the commissioner shall have the right to enter and have access thereto at any time during the conduct of business.

(b) The commissioner shall ensure that the provisions of this chapter and rules adopted thereunder are applied consistently throughout the state."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Westrom and Juhnke moved to amend H. F. No. 885, as amended, as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2002, section 28A.15, is amended by adding a subdivision to read:

Subd. 10. [CERTAIN HOME-PROCESSED AND HOME-CANNED FOODS.] (a) A person who receives less than \$5,000 in gross receipts in a calendar year from the sale of home-processed and home-canned food products and meets all the requirements of clauses (1) to (5).

(1) The products are pickles, vegetables, or fruits having an equilibrium pH value of 4.6 or lower.

(2) The products are home-processed and home-canned in Minnesota.

(3) The products are sold or offered for sale at a community or social event or a farmers' market in Minnesota.

(4) The seller displays at the point of sale a clearly legible sign or placard stating: "These canned goods are homemade and not subject to state inspection" unless the products were processed and canned in a kitchen that is licensed or inspected.

(5) Each container of the product sold or offered for sale under this exemption is accurately labeled to provide the name and address of the person who processed and canned the goods and the date on which the goods were processed and canned.

(b) A person that qualifies for an exemption under paragraph (a) is also exempt from provisions of sections 31.31 and 31.392.

(c) A person claiming an exemption under this subdivision is urged to:

(1) attend and successfully complete a better process school recognized by the commissioner; and

(2) have the recipe and manufacturing process reviewed by a person knowledgeable in the food canning industry and recognized by the commissioner as a process authority.

(d) The commissioner, in close cooperation with the commissioner of health and the Minnesota Extension Service, shall attempt to maximize the availability of information and technical services and support for persons who wish to home-process and home-can low acid and acidified food products."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 885, A bill for an act relating to health; modifying and clarifying certain food licensing and inspection requirements; exempting certain food establishments from certain equipment design and construction rules; amending Minnesota Statutes 2002, sections 28A.15, by adding a subdivision; 157.011, by adding a subdivision; 157.20, subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 7 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-------------|------------|------------|--------------|
| Abrams | Demmer | Holberg | Lieder | Otto | Solberg |
| Adolphson | Dempsey | Hoppe | Lindgren | Ozment | Stang |
| Anderson, B. | Dill | Hornstein | Lindner | Paulsen | Swenson |
| Anderson, I. | Dorman | Howes | Lipman | Paymar | Sykora |
| Anderson, J. | Dorn | Jacobson | Magnus | Pelowski | Thissen |
| Atkins | Eastlund | Jaros | Mahoney | Penas | Urdahl |
| Beard | Eken | Johnson, J. | Mariani | Peterson | Vandever |
| Bernardy | Ellison | Johnson, S. | Marquart | Powell | Walker |
| Biernat | Entenza | Juhnke | McNamara | Pugh | Walz |
| Blaine | Erhardt | Kahn | Mullery | Rhodes | Wardlow |
| Borrell | Erickson | Kelliher | Murphy | Rukavina | Wasiluk |
| Boudreau | Finstad | Klinzing | Nelson, C. | Ruth | Westerberg |
| Bradley | Fuller | Knoblach | Nelson, M. | Samuelson | Westrom |
| Buesgens | Gerlach | Koenen | Nelson, P. | Seagren | Wilkin |
| Carlson | Goodwin | Kohls | Newman | Seifert | Zellers |
| Clark | Gunther | Krinkie | Nornes | Sertich | Spk. Sviggum |
| Cornish | Haas | Lanning | Olsen, S. | Sieben | |
| Cox | Hackbarth | Larson | Olson, M. | Simpson | |
| Davids | Heidgerken | Latz | Opatz | Slawik | |
| Davnie | Hilstrom | Lenczewski | Osterman | Smith | |
| DeLaForest | Hilty | Lesch | Otremba | Soderstrom | |

Those who voted in the negative were:

| | | | |
|----------|---------|------------|----------|
| Abeler | Hausman | Thao | Wagenius |
| Greiling | Huntley | Tingelstad | |

The bill was passed, as amended, and its title agreed to.

H. F. No. 1944, A bill for an act relating to domestic abuse; providing another ground for extending an order for protection; amending Minnesota Statutes 2002, section 518B.01.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|----------|------------|----------|----------|------------|
| Abeler | Bernardy | Clark | Dill | Erickson | Hackbarth |
| Abrams | Biernat | Cornish | Dorman | Finstad | Harder |
| Adolphson | Blaine | Cox | Dorn | Fuller | Hausman |
| Anderson, B. | Borrell | Davids | Eastlund | Gerlach | Heidgerken |
| Anderson, I. | Boudreau | Davnie | Eken | Goodwin | Hilstrom |
| Anderson, J. | Bradley | DeLaForest | Ellison | Greiling | Hilty |
| Atkins | Buesgens | Demmer | Entenza | Gunther | Holberg |
| Beard | Carlson | Dempsey | Erhardt | Haas | Hoppe |

| | | | | | |
|-------------|------------|------------|-----------|------------|--------------|
| Hornstein | Krinkie | McNamara | Ozment | Sertich | Vandevveer |
| Howes | Lanning | Mullery | Paulsen | Sieben | Wagenius |
| Huntley | Larson | Murphy | Paymar | Simpson | Walker |
| Jacobson | Latz | Nelson, C. | Pelowski | Slawik | Walz |
| Jaros | Lenczewski | Nelson, M. | Penas | Smith | Wardlow |
| Johnson, J. | Lesch | Nelson, P. | Peterson | Soderstrom | Wasiluk |
| Johnson, S. | Lieder | Newman | Powell | Solberg | Westerberg |
| Juhnke | Lindgren | Nornes | Pugh | Stang | Westrom |
| Kahn | Lindner | Olsen, S. | Rhodes | Swenson | Wilkin |
| Kelliher | Lipman | Olson, M. | Rukavina | Sykora | Zellers |
| Klinzing | Magnus | Opatz | Ruth | Thao | Spk. Sviggum |
| Knoblach | Mahoney | Osterman | Samuelson | Thissen | |
| Koenen | Mariani | Otremba | Seagren | Tingelstad | |
| Kohls | Marquart | Otto | Seifert | Urdahl | |

The bill was passed and its title agreed to.

The Speaker called Abrams to the Chair.

H. F. No. 1737, A bill for an act relating to local government; permitting the city of Lake Elmo to adopt and implement a long-term comprehensive plan.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 82 yeas and 47 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-------------|------------|------------|--------------|
| Abrams | Demmer | Holberg | Lipman | Penas | Sykora |
| Adolphson | Dempsey | Hoppe | Magnus | Peterson | Thao |
| Anderson, B. | Dorman | Howes | Marquart | Powell | Tingelstad |
| Anderson, J. | Eastlund | Jacobson | McNamara | Rhodes | Urdahl |
| Beard | Eken | Johnson, J. | Nelson, C. | Ruth | Vandevveer |
| Blaine | Erhardt | Juhnke | Nelson, P. | Samuelson | Walz |
| Borrell | Erickson | Klinzing | Newman | Seagren | Wardlow |
| Boudreau | Finstad | Knoblach | Nornes | Seifert | Wasiluk |
| Bradley | Fuller | Koenen | Olsen, S. | Simpson | Westrom |
| Buesgens | Gunther | Kohls | Olson, M. | Smith | Wilkin |
| Cornish | Haas | Krinkie | Osterman | Soderstrom | Zellers |
| Cox | Hackbarth | Lanning | Otto | Solberg | Spk. Sviggum |
| Davids | Harder | Lindgren | Ozment | Stang | |
| DeLaForest | Heidgerken | Lindner | Paulsen | Swenson | |

Those who voted in the negative were:

| | | | | | |
|--------------|---------|----------|-----------|-------------|------------|
| Abeler | Carlson | Ellison | Hausman | Jaros | Latz |
| Anderson, I. | Clark | Entenza | Hilstrom | Johnson, S. | Lenczewski |
| Atkins | Davnie | Gerlach | Hilty | Kahn | Lesch |
| Bernardy | Dill | Goodwin | Hornstein | Kelliher | Lieder |
| Biernat | Dorn | Greiling | Huntley | Larson | Mahoney |

| | | | | | |
|---------|------------|----------|----------|----------|------------|
| Mariani | Nelson, M. | Paymar | Rukavina | Slawik | Walker |
| Mullery | Opatz | Pelowski | Sertich | Thissen | Westerberg |
| Murphy | Otremba | Pugh | Sieben | Wagenius | |

The bill was passed and its title agreed to.

MOTIONS AND RESOLUTIONS

Kelliher moved that the names of Hornstein and Latz be added as authors on H. F. No. 322. The motion prevailed.

Huntley moved that the names of Hornstein and Latz be added as authors on H. F. No. 325. The motion prevailed.

Erickson moved that the names of Olson, M., and Hoppe be added as authors on H. F. No. 1800. The motion prevailed.

Hilstrom moved that the name of Strachan be added as an author on H. F. No. 1908. The motion prevailed.

Klinzing moved that the name of Samuelson be added as an author on H. F. No. 1915. The motion prevailed.

Klinzing moved that the name of Samuelson be added as an author on H. F. No. 1916. The motion prevailed.

Abeler moved that the name of Penas be added as an author on H. F. No. 1923. The motion prevailed.

Paulsen moved that the name of Lanning be added as an author on H. F. No. 1939. The motion prevailed.

Knoblach moved that the name of Demmer be added as an author on H. F. No. 1974. The motion prevailed.

Brod moved that the name of Wardlow be added as an author on H. F. No. 1977. The motion prevailed.

Finstad moved that his name be stricken as an author on H. F. No. 2065. The motion prevailed.

Erickson moved that the name of Hoppe be added as an author on H. F. No. 2069. The motion prevailed.

Paymar moved that his name be stricken as an author on H. F. No. 2128. The motion prevailed.

Bernardy moved that the name of Dorman be added as an author on H. F. No. 2169. The motion prevailed.

Dorn moved that the name of Lenczewski be added as an author on H. F. No. 2205. The motion prevailed.

Hilstrom moved that the name of Lenczewski be added as an author on H. F. No. 2220. The motion prevailed.

Magnus moved that the name of Lenczewski be added as an author on H. F. No. 2268. The motion prevailed.

Magnus moved that the name of Demmer be added as an author on H. F. No. 2344. The motion prevailed.

Hornstein moved that his name be stricken as an author on H. F. No. 2448. The motion prevailed.

Lanning moved that the name of Magnus be added as an author on H. F. No. 2525. The motion prevailed.

Osterman moved that her name be stricken as an author on H. F. No. 2546. The motion prevailed.

Demmer moved that the name of Nelson, C., be added as an author on H. F. No. 2565. The motion prevailed.

Demmer moved that the name of Nelson, C., be added as an author on H. F. No. 2566. The motion prevailed.

Bradley moved that the name of Nelson, C., be added as an author on H. F. No. 2581. The motion prevailed.

Tingelstad moved that the name of Paymar be added as an author on H. F. No. 2631. The motion prevailed.

Kuisle moved that the name of Nelson, P., be added as chief author on H. F. No. 2671. The motion prevailed.

Dauids moved that the name of Nelson, C., be added as an author on H. F. No. 2685. The motion prevailed.

Johnson, J., moved that the name of Lenczewski be added as an author on H. F. No. 2692. The motion prevailed.

Cox moved that the names of Sieben and Samuelson be added as authors on H. F. No. 2734. The motion prevailed.

Samuelson moved that H. F. No. 2243 be recalled from the Committee on Transportation Policy and be re-referred to the Committee on Local Government and Metropolitan Affairs. The motion prevailed.

Bradley moved that H. F. No. 2274 be recalled from the Committee on Health and Human Services Policy and be re-referred to the Committee on Commerce, Jobs and Economic Development. The motion prevailed.

Lanning moved that H. F. No. 2525 be recalled from the Committee on Health and Human Services Finance and be re-referred to the Committee on Civil Law. The motion prevailed.

Demmer moved that H. F. No. 2786 be recalled from the Committee on Education Finance and be re-referred to the Committee on Education Policy. The motion prevailed.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 3:00 p.m., Monday, March 8, 2004. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and Speaker pro tempore Abrams declared the House stands adjourned until 3:00 p.m., Monday, March 8, 2004.

EDWARD A. BURDICK, Chief Clerk, House of Representatives